IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

WA.No. 166 of 2007()

AGAINST THE JUDGEMENT IN WPC.30142/2006 Dated 22/11/2006
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APPELLANTS/RESPONDENTS:
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1. THE INDIAN BANK, REPRESENTED BY ITS MANAGING DIRECTOR, INDIAN BANK, HEAD OFFICE, CHENNAI.

2. THE SENIOR MANAGER, INDIAN BANK, PALLIMUKKU BRANCH, M.G.ROAD, ERNAKULAM.

BY ADV. SRI.S.EASWARAN

RESPONDENT/PETITIONER

M/S.HANSA TRAVELS PRIVATE LIMITED, PALLIMUKKU JUNCTION, M.G.ROAD, KOCHI-16, REPRESENTED ITS DIRECTOR, SMT.RATNA EASWARAN.

BY ADV.MR.P.GOPINATH

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN, Ag.C.J. &
M.N.KRISHNAN, J.

W.A.No. 166 of 2007

Dated, this the 19th day of February, 2007

JUDGMENT

Radhakrishnan, Ag.C.J.

Heard learned counsel on either side.

2. Learned counsel for the Bank has handed over a letter dated 9.2.2007 issued by the Bank by which the OTS benefit was extended to the respondent. The terms and conditions mentioned therein have been accepted by the respondent without prejudice to its right to file objections with regard to the demand for legal expenses incurred/to be incurred by the Bank. Learned counsel for the respondent also stated that the entire amount including the legal expenses incurred/to be incurred would be paid under protest. Needless to say, if the entire amount is paid the documents submitted by the respondent would be returned by the Bank. The Bank will take steps to get the documents released from the Debt Recovery Tribunal for returning the same to the respondent on payment of the entire amount due.

Writ appeal is disposed of accordingly.

Sd/-
K.S.RADHAKRISHNAN,
Ag.CHIEF JUSTICE.

Sd/-
M.N.KRISHNAN,
JUDGE.

vns

/True copy/